

at San Francisco, Calif., alleging shipment on or about July 15, 1941, from the State of California into the State of Virginia, of a quantity of dried pears which were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Daphne Brand Dried California Choice Halved Pears."

On May 16, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

Nos. 3583 to 3586 report the seizure and disposition of prunes that were in whole or in part decomposed.

**3583. Adulteration of prunes. U. S. v. 70 Boxes of Prunes. Default decree of forfeiture and destruction.** (F. D. C. No. 7416. Sample No. 93224-E.)

On May 4, 1942, the United States attorney for the District of Idaho filed a libel against 70 25-pound boxes of prunes at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about February 18, 1942, by A. Johnson from Portland, Ore.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Oregon Dried Italian Prunes \* \* \* J. R. Packing Co. Dundee, Ore."

On June 27, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**3584. Adulteration of prunes. U. S. v. 98 Boxes, 124 Boxes, and 100 Boxes of Prunes. Default decrees of destruction.** (F. D. C. Nos. 7083, 7792. Sample Nos. 1005-E, 1007-E, 70331-E, 70335-E.)

On or about March 25 and June 22, 1942, the United States attorneys for the Southern District of Florida and the District of Maryland filed libels against 98 25-pound boxes of prunes at Miami, Fla., and 224 25-pound boxes of prunes at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 11, 1941, and January 22, 1942, by California Prune & Apricot Growers Association from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "California Fruits Golden Glow Brand Prunes."

On June 15 and July 30, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3585. Adulteration of prunes. U. S. v. 50 Boxes of Prunes. Default decree of forfeiture and destruction.** (F. D. C. No. 7350. Sample No. 93213-E.)

On April 18, 1942, the United States attorney for the District of Idaho filed a libel against 50 25-pound boxes of prunes at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about March 12, 1942, by Mason Ehrman & Co. from Portland, Ore.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Oregon Dried Italian Prunes, \* \* \* West Hill Orchards, Newberg, Oregon."

On May 11, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**3586. Adulteration of prunes. U. S. v. 89 Boxes of Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 7360. Sample No. 83947-E.)

This product was insect-infested and moldy.

On April 16, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 89 25-pound boxes of prunes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, by Warren Dried Fruit Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Boxes) "Thistle Brand Santa Clara Prunes."

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3587. Adulteration of dried kidney beans. U. S. v. 50 Bags and 147 Bags of Red Kidney Beans. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 6749. Sample Nos. 83180-E, 83415-E.)

Examination showed that this product was moldy and insect-infested.

On January 23, 1942, the United States attorney for the Middle District of Alabama filed a libel against 197 100-pound bags of red kidney beans at Montgomery, Ala., alleging that the article had been shipped in interstate commerce

on or about April 5, June 26 and 28, and August 1, 1941, by Geo. W. Haxton & Son, Inc., from Oakfield, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "C. H. P. Haxton Quality Red Kidney Beans."

On February 19, 1942, Schloss & Kahn Grocery Co., Inc., Montgomery, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

**3588. Adulteration of beans. U. S. v. 228 Bags of Beans. Consent decree ordering product released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4731. Sample No. 43419-E.)

This product had been stored under insanitary conditions after shipment; and when examined it contained rodent excreta, and some of the sacks were torn and gnawed by rats and contained an accumulation of rat pellets and bird droppings.

On or about May 17, 1941, the United States attorney for the Western District of Missouri filed a libel against 228 100-pound bags of beans at Kansas City, Mo., alleging that the article had been shipped on or about November 18, 1940, from Morrill, Nebr., that it was in possession of the consignee, John J. Meier & Co., Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The libel alleged further that the adulteration occurred at destination in the warehouse of the consignee.

On June 18, 1941, John J. Meier & Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration, and that it be destroyed by the United States marshal.

### POULTRY

**3589. Adulteration of poultry. U. S. v. 1 Barrel of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 7632. Sample No. 77139-E.)

On June 9, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1 barrel of turkeys at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by Falls City Creamery Co., from Falls City, Nebr.; and charging that it was adulterated (1) in that it consisted in whole or in part of a decomposed substance; and (2) in that it was in whole or in part the product of diseased animals.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3590. Adulteration of turkeys. U. S. v. 18 Boxes and 68 Boxes of Turkeys and 234 Turkeys. Consent decrees of condemnation. Product ordered released under bond to be washed.** (F. D. C. Nos. 7066, 7124. Sample Nos. 80390-E, 80391-E, 80505-E.)

Examination showed the presence of manure on the feet and flesh of these birds.

On March 23 and 31, 1942, the United States attorneys for the Southern District of Indiana and the Southern District of Ohio filed libels against 86 boxes each containing 6 turkeys at Indianapolis, Ind., and 234 turkeys at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about November 9 and 10, 1941, by Herndon Produce Co., from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sunland Young Tom [or "Hen"] Turkeys."

On April 27 and 28, 1942, Herndon Produce Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be washed under the supervision of the Food and Drug Administration so as to remove all excreta and other filth.

**3591. Adulteration of poultry. U. S. v. 3 Barrels, 2 Barrels, and 8 Barrels of Poultry. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7343, 7442. Sample Nos. 84379-E, 89783-E, 89734-E.)

On April 16 and May 4, 1942, the United States attorney for the Eastern District of Virginia and the District of New Jersey filed libels against 5 barrels of poultry at Norfolk, Va., and 8 barrels of poultry at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 8 and 21, 1942,